

**Amended Report to Court and Petition for (1) Supplemental Order to 2007 Order of Final Distribution; (2) Approval of Accounting; and (3) Order for Reimbursement of Costs**

<b>DOD: 8/23/1997</b>		<b>FRANK J. VOLPA</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> An Order for Final Distribution was entered on 10/9/2007. On 8/30/13 Mr. Volpa filed a Petition for Instructions disclosing to the court that he had only distributed a portion of the assets to the beneficiaries (both charities). Mr. Volpa's petition asked the court to approve payments to his new attorney and a CPA, if necessary, and allow said payments to be paid from the estate. The Court denied the request stating the court was not in a position to allow fees to be paid for what should have already been done.  <p align="center"><b>Please see additional page</b></p>
		Account period 8/23/07 – 12/31/13	
		Accounting - <b>\$1,139,739.39</b>	
		Beginning POH - <b>\$1,050,266.17</b>	
		Ending POH - <b>\$ 315,836.38</b>	
<b>Cont. from 042114</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Costs - <b>\$1,668.00</b> (filing fees, certified copies, tax consultant and tax preparation).	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	<b>Petition states</b> Order for Final Distribution allowed distribution of \$2,744.18 however, Mr. Volpa was paid \$3,973.08. An overpayment of \$1,228.90. Petition further states that Mr. Volpa is owed earnings totaling \$1,728.00 from the 3200 shares of Microsoft stock delivered to him on 9/19/08. <b>Leaving a balance due Mr. Volpa of \$499.10.</b>	
<input type="checkbox"/>	<b>Notice of Hrg</b>	NA	
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	Closing Reserve - <b>\$5,000.00</b>	
<input type="checkbox"/>	<b>Duties/Supp</b>	<b>Proposed Distribution is to:</b>	
<input type="checkbox"/>	<b>Objections</b>	<b>University of Montana</b> – 8,543.679 shares of Vanguard Fixed Income Securities and \$18,576.54;	
<input type="checkbox"/>	<b>Video Receipt</b>	<b>Sigma Chi Foundation</b> – 1,353.586 shares of Wells Fargo Premier Lar Co Fund, 264.709 shares Wells Fargo Advantage Enterprise Fund, 537.186 shares of T. Rowe Price European Stock Fund, 460,387 shares of Vanguard extended Market Index Fund, 183.140 Shares of Vanguard Index Trust, 8,543.679 shares of Vanguard Fixed Income Securities and \$31,485.44.	
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Please see additional page</b>			

<b>Reviewed by: KT</b>
<b>Reviewed on: 5/13/14</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 1 – Hanson</b>

**Petition states** the estate's attorney Ruth Ratzlaff hired Raymond Love to assist her and Petitioner in matters relating to the estate. Mr. Volpa states he began working with Mr. Love shortly after his appointment. Mr. Love communicated with the various financial institutions and charitable beneficiaries and Mr. Volpa never did. After the Order for Final Distribution Mr. Volpa states he became angry with Mr. Love on a number of occasions on how long the process was taking. Mr. Love would always assure Mr. Volpa that they were having problems but that things would be completed soon. He did not specify the exact problem but he indicated it had to do with penalties on the Vanguard IRA. Mr. Volpa states he would tell Mr. Love to pay the penalty and move on. He would say he was trying to get it done and that he was working on it. Mr. Volpa states he wanted to complete the administration but felt that Mr. Love was in charge. Finally, Mr. Volpa states he had enough. At the suggestion of an acquaintance, Mr. Volpa contacted Wild, Carter & Tipton for assistance. It was then he learned that Mr. Love died in 2013. At no time did Mr. Love or Ms. Ratzlaff ever indicate there was a problem with delaying distribution, or with liquidating the shares of stock that were supposed to have been delivered to the beneficiaries.

**Supplement to First Amended Report to the Court filed on 5/9/14** states at the hearing on 4/21/14 Judge Robert Oliver requested that the Petitioner submit additional information to the court. Attached as Exhibit A is an Asset Schedule showing the market value of the assets as of 2007 and the market value as of 12/31/2013. As the Court will see the total value of the assets has increased from \$204,675.73 to \$370,094.51.

After the last hearing, Petitioner's attorney contacted Ms. Ratzlaff by e-mail, facsimile and mail. To date Ms. Ratzlaff has not responded to Mr. Volpa nor to any attorney at Wild, Carter and Tipton. Petitioner paid the \$3,000.00 to Ms. Ratzlaff by Wells Fargo check no. 4606. The check cleared the estate on 10/18/2007.

The Court has indicated that it is contemplating imposition of a surcharge for failing to timely deliver the assets pursuant to the 2007 order. Petitioner asserts that under the circumstances a surcharge would be inappropriate.

- (A) As the Court is aware, Ruth Ratzlaff (still attorney of record) hired Mr. Love to assist her and Petitioner in matters of the estate. At no point did Ms. Ratzlaff or Mr. Love state that anything was amiss or that that the court would have an issue with the delay in distribution. To the contrary, as far as Mr. Volpa knew from Mr. Love estates ran into the types of issues they had and delay was not inappropriate or unusual. Never once did Mr. Love indicate that there was any possible adverse consequences as a result of any delay.
- (B) Neither the University of Montana nor the Sigma Chi Foundation has voiced any displeasure with the time it has taken to distribute the assets.
- (C) The value of the assets has actually increased since the 2007 order.
- (D) Mr. Volpa states he has already been "surcharged" by personally incurring very significant attorney fees to Wild, Carter and Tipton to assist him in this matter.
- (E) Mr. Volpa states he came to court willingly. He asserts he is trying to do the right thing.
- (F) Estate of Kampen (2011) 201 Cal.App.4<sup>th</sup> 971 states that an order for distribution is not a money judgment. Consequently it does not bear interest. As noted in Kampen, Probate Code §9601 does allow for surcharge with there is a loss in value of the property or where the executor made a profit. It also allows the court to relieve the executor for any breach of duty if he acted "in good faith under the circumstances as know by the personal representative . . ." Mr. Volpa states he had no idea the delay could result in adverse consequences. He did not profit from the delay nor was the delay his doing. He believed Mr. Love was in communications with Ms. Ratzlaff regarding such matters.

**Please see additional page**

**Dept. 303, 9:00 a.m. Monday, May 19, 2014**

Accordingly, Mr. Volpa requests the Court relieve him of any surcharge and grant his request for delivery of the remaining assets of the estate. Mr. Volpa states he did not have a nefarious purpose, he did not profit from the situation and he had been led to believe problems of this sort were not unusual.

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**NEEDS/PROBLEMS/COMMENTS (cont.):**

1. Petition states (former) attorney Ruth Ratzlaff was paid her statutory fees and the \$3,000.00 closing reserve. The Order for Final Distribution entered on 10/9/2007 states that any unused portion of the closing reserve was to be distributed equally to the remainder beneficiaries. Disbursement schedule includes payment of taxes and other fees that appear should have been paid by the closing reserve. Court may require clarification and itemization of the closing reserve.
2. First Amended Petition for Final Distribution filed on 9/18/2007 stated that federal and California estate taxes had been filed and that no federal or California estate tax was due because of the charitable gifts. The Petition also stated that the personal and fiduciary tax returns had been filed and 1997 through 2006. In addition the Order on Final Distribution included a closing reserve of \$3,000.00. Order on the Petition for Instructions denied Petitioner's request for payment of additional fees. The instant petition request the estate pay costs totaling \$1,668.00 and allows for a closing reserve of \$5,000.00 to pay any unexpected taxes or expenses. It appears that the Mr. Volpa should be personally liable for the additional fees and costs due to the delay in distributing the assets as ordered on 9/18/2007.

**(1) Petition for Termination of Proceedings and (2) Discharge of Executor for want of Assets Subject to Administration (Probate Code §12251)**

<b>DOD: 3-29-94</b>			<p><b>STEFAN SCHERR</b>, Son and Executor with Full IAEA without bond, is Petitioner.</p> <p><b>Petitioner states</b> the real property which constituted the sole asset of the estate was sold for \$220,000.00 payable by cash down payment of \$30,000.00 and the balance of \$190,000.00 payable by promissory note in favor of the estate. A default occurred in the payments on said note and extensive and expensive litigation ensued concerning the sale. Ultimately, the case was dismissed against the estate and the title to the real property reverted to the estate.</p> <p>However, the City of Fresno has declared that the improvements on the property constituted a hazard and such improvements were torn down by the City. The City asserted a lien against the property for the demolition and cleanup. The City's liens are also enforced by the County of Fresno, which also has its own liens and penalties for back taxes. The total of all liens by the city and county is approx. \$50,000.00. The County has tried to sell the property but has been unable to obtain any bids because the property is worthless.</p> <p>Therefore, there are no assets of this estate. After payment of the costs of litigation, there is no cash remaining in the estate and therefore there are no longer any assets subject to administration.</p> <p><b>Petitioner requests orders that administration be immediately terminated for want of assets, and that Petitioner be discharged as Executor.</b></p>
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
✓	<b>Inventory</b>		
✓	<b>PTC</b>		
✓	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>	1-25-05	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
✓	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCC/JEA</b>		
	<b>Citation</b>		
N/A	<b>FTB Notice</b>		
<b>NEEDS/PROBLEMS/COMMENTS:</b>			
<p><b>Note:</b> The decedent's will devises his tangible personal property to his wife, and devises the residue to his six (6) grandchildren: Debra, Sandra, Howard, Alisa, Jeremy, and Kevin, who is now deceased (DOD: 10-8-00).</p> <p>Corrected I&amp;A filed 9-8-06 indicates real property located at 2038 E. California valued at \$125,000.00.</p> <p>On 7-11-05, Petitioner filed Assignments signed by Debra, Sandra, Howard, and Alisa, assigning their interest in the estate to Petitioner Stefan Scherr.</p> <p>Therefore, it appears the heirs to this estate are Petitioner Stefan Scherr, Jeremy Scherr, and the Estate of Kevin Scherr.</p> <ol style="list-style-type: none"><li>1. Petitioner states the property is worthless and cannot be sold; therefore, there are no assets. However, need clarification as to title, etc. If the real property still exists as an asset of the estate, how can the estate be closed and the Executor discharged, regardless of the Executor's inability to dispose of it?</li><li>2. The Court may require clarification as to the transactions and litigation during administration.</li><li>3. The Court may require accounting pursuant to Probate Code §10950.</li><li>4. The Estate of Kevin Scherr is technically an heir of this estate; however, notice was not given to any personal representative thereof. The Court may require clarification or notice.</li></ol>			
<b>Reviewed by:</b> skc			
<b>Reviewed on:</b> 5-13-14			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 2 - Scherr</b>			

Atty Horton, Lisa M., of Walters &amp; Moshrefi (for Petitioner Kendra L. Brenson)

## Petition to Fix Residence Outside of California

Age: 38 years		<p><b>KENDRA L. BRENSON</b>, sister and Successor Conservator of the Person and Estate appointed on 8/2/2007, is Petitioner.</p> <p><b>Petitioner requests</b> that the Court authorize that the residence of the Conservatee be fixed outside the State of California to <b>1840 Longmire Road in Conroe, Texas</b>, based upon the following reasons:</p> <ul style="list-style-type: none"> <li>• Petitioner made the decision to move to Texas for economic reasons, and because the environment is safer and healthier;</li> <li>• Petitioner is the only family member that wants to take care of the Conservatee 24/7, and Petitioner does not want to place him in a group home or care facility;</li> <li>• The Conservatee has been living with and has been cared for by Petitioner since August 2007;</li> <li>• The Conservatee is blind and severely disabled;</li> <li>• Petitioner believes it is in the best interest of the Conservatee to continue to reside with her in Texas.</li> <li>• The expected duration of the out-of-state move is more than 4 months, and the conservatorship of the person and of the estate or its equivalent will be commenced in the new place of residence.</li> </ul> <p><b>Declaration of Kendra L. Brenson in Support of Sale of Conservatee's Real Property Residence and Petition to Fix Residence Outside the State of California filed 3/10/2014 states:</b></p> <ul style="list-style-type: none"> <li>• She and the Conservatee own the real property on 11<sup>th</sup> Street in Fresno [the subject property on Page 1B, Report of Sale];</li> <li>• In 2007, the Conservatee received proceeds from a life insurance policy after their mother's death; since the Conservatee was receiving state benefits at that time, she petitioned the Court to invest his funds for a partial interest in the real property residence;</li> <li>• The Court granted the petition on 9/13/2007, and [<b>~\$83,828.00</b>] of the Conservatee's funds were used to purchase a <b>23.95% interest</b> in a residence, where Petitioner and the Conservatee resided until recently;</li> </ul> <p align="center"><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 3B</b> is the Report of Sale.</p> <p><b>Continued from 4/15/2014.</b> The following issues from the last hearing remain:</p> <p align="center"><b>~Please see additional page~</b></p>
Cont. from 041514			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: LEG

Reviewed on: 5/14/14

Updates:

Recommendation:

File 3A – Harris

**Declaration of Kendra L. Benson filed 3/10/2014, continued:**

- She has decided to move to Conroe, Texas, because the cost of living is much lower and for other economic reasons, and it is a healthier and safer environment;
- No other family member wants to take care of the Conservatee, and Petitioner does not want to place him in a care facility or group home as she believes he should be cared for by a family member; she wants to continue to take care of him and she believes it would be in his best interest if he were to live permanently with her in Texas;
- Petitioner has also decided to sell their residence because it would be difficult and not very feasible for her to take care of the house from Texas;
- Petitioner does not plan to move back to California and once the house is sold, she will commence a conservatorship action in Texas;
- The Conservatee is severely disabled and blind, and Petitioner did talk to him about the move to Texas, and the sale of their house, but she believes he does not have the capacity to understand or articulate his feelings about whether he agrees or opposes the move;
- Petitioner and the Conservatee currently reside in Texas, and he has adjusted to the move and new environment well;
- Petitioner humbly requests that this Court approve the sale and move to Texas as it is in the best interest of the Conservatee.

**NEEDS/PROBLEMS/COMMENTS, continued:**

1. Petitioner states in support of the *Petition* that she has already moved the Conservatee to Texas (to 1840 Longmire Rd, Conroe, Texas), but does not indicate whether the period of the Conservatee's residence in Texas has reached 4 months, as provided for in Probate Code § 2352(d) as the timeframe for commencing an equivalent proceeding in the state of new residence. While it is highly admirable that Petitioner appears to have been and wishes to continue to care for the Conservatee, Petitioner does not address her violation of Probate Code §§ 2352(c) and 2352.5(a), which requires the Petitioner as the Conservator to petition the Court for authority to move the Conservatee prior to actually moving him, and her violation of CA Rule of Court 7.1063 for pre-move notice of change of personal residence which requires notice to the Conservatee and all interested parties, and proof of mailing to be filed with the Court of an intended change of the Conservatee's personal residence.
2. *Petition* states the Conservatee is severely disabled and blind; however, *Petition* does not include information regarding whether the Conservatee is receiving services of the local regional center in Texas where he currently resides, and if so, need proof of service by mail of 30 days' notice to the regional center in Texas, together with a copy of the *Petition* to be filed with the Court pursuant to Probate Code §§ 2352(c) and 1822(e).
3. Court may require proof of service of notice by mail to **TERRANCE HARRIS**, paternal half-brother, listed in the initial *Petition for Appointment* filed 1/9/2007, pursuant to Probate Code §§ 2352(c), 1460(b)(6), 1821(b) and 1822. (Note: Proof of Service filed 4/21/2014 shows notice was mailed to **ROCHELLE HARRIS**, paternal half-sister, and **LaBRON HARRIS**, brother, the latter sibling not having been listed in the initial *Petition*.)
4. Petitioner states she will commence a conservatorship action in Texas once the house is sold. Pursuant to Probate code § 2353(d), Court may direct Petitioner to commence and to file proof of commencement of the equivalent proceeding in Texas prior to actual sale of the house, particularly given that the *Petition* does not include information regarding the length of time the Conservatee has resided in Texas, and the placement of the Conservatee's share of the sale proceeds in the interim between the house sale and the establishment of a conservatorship estate or its equivalent for the Conservatee in Texas.

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**NEEDS/PROBLEMS/COMMENTS, continued:**

5. *Petition* does not but should state the Petitioner's plans for the Conservatee's portion of the sale proceeds from the real property consisting of his cash contribution of **~\$83,828.00**, plus payment of any additional costs charged for reconveyance and recording fees, which constitutes the sums the Court authorized to be contributed by Conservatee per *Order on Petition for Authority to Invest Funds in Partial Interest in Residence* filed 9/13/2007. (Note: Property on Hand as of 3/31/2008 from the First Account filed on 5/13/2008 by Petitioner as represented by Attorney William Keeler shows the 23.95% interest in the real property as **\$84,314.47**). Need information regarding the Petitioner's plans for preserving the Conservatee's funds during the transition of the Conservatorship Estate from California to Texas. Court may require proof of Conservatee's **~\$83,828.00** funds being placed in a blocked account in a financial institution in Texas following sale of the real property to ensure the Conservatee's assets are protected prior to terminating the Conservatorship of the Estate in California. Alternatively, Court may require bond to be posted in this Conservatorship Estate in the sum of **\$92,210.80** pursuant to Probate Code § 2320 and CA Rule of Court 7.207. (Note: Bond posted by Conservator in the sum of **\$100,000.00** filed 8/2/2007 was exonerated by *Order on Ex Parte Application of Exoneration of Bond* filed 8/3/2009).

**Note:** *Substitution of Attorney* filed 10/23/2009 shows Attorney William Keeler substituted out of the case and Petitioner Kendra Brenson was self-represented as of 10/23/2009.

**Note:** If *Petition* is granted, Court will set status hearings as follows:

- **Thursday, June 19, 2014 at 9:00 a.m. in Dept. 303** for filing receipt of sale proceeds into a blocked account, or filing proof of Conservator's bond in the amount fixed by the Court;
- **Friday, October 17, 2014 at 9:00 a.m. in Dept. 303** for filing proof of the establishment of conservatorship of the person and estate or its equivalent in the State of Texas.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearing will be taken off calendar and no appearance will be required.

Atty Horton, Lisa M., of Walters &amp; Moshrefi (for Petitioner Kendra L. Benson)

## Report of Sale and Petition for Order Confirming Sale of Real Property

Age: 38 years		KENDRA L. BRENSON, sister and Successor Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 041514		Sale Price - <b>\$185,500.00</b>	<b>Continued from 4/15/2014.</b> The following issues from the last hearing remain:
		Overbid - <b>\$195,275.00</b>	
✓	Aff.Sub.Wit.	Reappraisal - <b>\$210,000.00</b> (completed 3/12/2013)	1. Item 4(a) of the <i>Petition</i> does not specify the manner of vesting title to the purchaser (which information must be included on the order.)  2. <i>Petition</i> states an undivided <b>23.95%</b> interest in the real property was sold. However, it appears based upon the price and the attached copy of the <i>Purchase Agreement</i> that a <b>100%</b> interest in the property was sold and is requested to be confirmed by the Court. <i>Declaration of Publication</i> filed 3/26/2014 shows the <i>Notice of Sale</i> was published for a <b>23.95%</b> interest in the property rather than a <b>100%</b> interest.
✓	Verified	Property - <b>6312 N. 11<sup>th</sup> Street</b> <b>Fresno, CA 93710</b>	
	Reappraisal ?	Publication - <b>The Business Journal</b>	
	PTC	Buyers - <b>CENTRAL CAL HOMES, INC.,</b>	
	Not.Cred.	Broker - <b>\$11,130.00</b> (6% payable to London Properties; 50% to Jo Souza of \$5,565.00, 50% to Cliff Lloyd of \$5,565.00.)	
✓	Notice of Hrg	Bond - No bond has been posted; Proceeds should be placed into a blocked account; or alternatively, Bond is needed in the sum of <b>[\$92,210.80]</b> pursuant to Probate Code § 2320 and CA Rule of Court 7.207.	
✓	Aff.Mail <sup>W</sup> / <sub>I</sub>		
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		~Please see additional page~ Reviewed by: LEG  Reviewed on: 5/14/14 Updates: Recommendation: File 3B – Harris
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
✓	Aff. Posting 031014		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		



**NEEDS/PROBLEMS/COMMENTS, continued:**

3. Court may require Petitioner to obtain and file a new *Reappraisal for Sale* in support of the instant *Petition*. *Reappraisal for Sale* filed 3/20/2014 may violate Probate Code § 10309(a) which provides that no sale of real property at private sale shall be confirmed by the Court unless all of the following conditions are satisfied:

(1) The real property has been appraised within one year prior to the date of the confirmation hearing; [Here, the appraisal is dated **3/12/2013**.]

(2) The valuation date used in the appraisal described in paragraph (1) is within one year prior to the date of the confirmation hearing; [Here, the confirmation hearing is **4/15/2014**.]

And

(3) The sum offered from the property is at least **90%** of the appraised value of the property as determined by the appraisal described in paragraph (1). [Here, the sum offered is **\$185,500.00**, rather than **\$189,000.00** which is **90%** of the **\$210,000.00** appraised value.]

If Court determines that the *Reappraisal* filed 3/20/2014 meets the conditions of 10308(b) such that the *reappraisal* may be made at any time before the sale or confirmation of sale, the Court may nonetheless require a new *reappraisal* based upon 10308(c) because:

(1) The *Appraisal Report of California Probate Referee* attached as *Exhibit C* to the *Petition for Authority to Invest Funds in Partial Interest in Residence* filed 8/21/2007 was completed on 8/20/2007 by **STEVEN DIEBERT** (valuing the real property at **\$350,000.00** on a designated valuation date of 8/2/2007); and

(2) *Reappraisal for Sale* filed 3/20/2014 was completed on 3/12/2013 by **RICK SMITH** (valuing the real property at **\$210,000.00** at **100%** and at **\$50,295.00** at **23.95%**).

**Note:** *Order Appointing Probate Conservator of the Person and Estate* filed 2/27/2007 appoints Rick Smith as the Probate Referee, and therefore Steven Diebert should not have been the referee who appraised the property in 2007 and collected the fee to which the referee is entitled. (Attorney Keeler represented the Petitioner in 2007.)

~Please see additional page~

**NEEDS/PROBLEMS/COMMENTS, continued:**

4. Item 1(d) and Item 6(b) of the *Report of Sale and Petition for Order Confirming Sale* states bond is to be fixed at **\$42,000.00**. *Reappraisal for Sale* filed 3/20/2014 shows a **23.95%** interest is valued at **\$50,295.00** by the Probate Referee on 3/12/2013 with **100%** being valued at **\$210,000.00**. It appears the Petitioner is proceeding with the real property sale with the intent that the Conservatee's share of the sale proceeds should be a **23.95%** interest in the real property as reappraised. However, the Conservatee invested cash funds of **~\$83,828.00**, plus payment of any additional costs charged for reconveyance and recording fees. The Conservatee's interest in the real property appears to more appropriately be cash of at least **~\$83,828.00**, which sum should be paid to his Conservatorship Estate from the sale of the real property as return of his initial investment of cash funds toward an interest in the Petitioner's home. For the Court's reference, the following background information is provided:

- Bond posted by Conservator in the sum of **\$100,000.00** filed 8/2/2007 was exonerated by Order on Ex Parte Application of Exoneration of Bond filed 8/3/2009, due to the Conservatorship estate assets consisting of the interest in real property with a carry value of **\$84,314.47** which no longer required bond per § 2320.
- The *Petition for Authority to Invest Funds in Partial Interest in Residence* filed 8/21/2007 states the house owned by Petitioner Kendra Brenson had debt of **~\$166,000.00** owed against the house, and Petitioner planned to combine the Conservatee's life insurance proceeds with life insurance proceeds Petitioner personally received as a result of the death of their mother, to pay off the mortgage on the house entirely to be free of the debt; this was done to allow the Conservatee to remain in the residence he was accustomed to and resided in for many years prior to his mother's death.
- *Final Inventory and Appraisal* filed 8/28/2007 shows an estate value that was not appraised by a probate referee due to the estate consisting entirely of cash in the sum of **\$91,414.24** (life insurance proceeds of **\$27,000.00** from one company and **\$64,414.24** from another company.)
- Conservatee's investment in September 2007 was cash funds of **~\$83,828.00**, plus payment of any additional costs charged for reconveyance and recording fees.

**Note:** Court will set status hearing as follows:

- **Thursday, June 19, 2014 at 9:00 a.m. in Dept. 303** for filing receipt of sale proceeds into a blocked account (*Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account*, mandatory-use Judicial Council form MC-356); or filing proof of Conservator's bond of **[\$92,210.80]**.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

**Dept. 303, 9:00 a.m. Monday, May 19, 2014**

Atty O'Neill, Patricia B., sole practitioner (for Petitioner Bernice Arrendondo Capuchino)

## Petition for Termination of Guardianship of the Estate

<b>Age: 17 years</b>		<b>BERNICE ARRENDONDO (CAPUCHINO)</b> , mother and Guardian of the Estate appointed on 11/19/1998, is Petitioner.  Father: <b>MICHAEL J. RODRIGUEZ</b> , deceased. Paternal grandfather: Michal Rodriguez, deceased. Paternal grandmother: Oliva Rodriguez, consents and waives notice. Maternal grandfather: Severo Capuchino; consents and waives notice. Maternal grandmother: Elisa Capuchino; consents and waives notice.  Ward Marissa Rodriguez consents and waives notice.  <b>Petitioner states</b> it is in the best interest of the minor that the Guardianship of the Estate be terminated as the minor will reach majority age on 5/17/2014, and the funds will be helpful for her as she applies for colleges.  <b>Waiver of Account, Release of Guardian filed 1/16/2014 by Marissa Rodriguez, ward, states:</b> <ul style="list-style-type: none"> <li>• She has reviewed the guardianship records; she is familiar with the assets of her estate and is satisfied that the investments of estate assets and disbursements from her estate were appropriate;</li> <li>• The assets consist of cash which has been held in blocked accounts since the guardianship was ordered, with the only disbursements being by Court order as set forth in the [previous Petitions] for Withdrawal of Funds from Blocked Account;</li> <li>• By Court order, the accounting of the estate assets and disbursements has been waived since the funds were held in a blocked account;</li> <li>• The balances of the blocked accounts totaling <b>\$122,242.43</b> as of the last statements available are set forth in the statements attached as Exhibits A and B, summarized as follows:             <ul style="list-style-type: none"> <li>◦ Golden One Credit Union: <b>\$44,610.21</b> [statement dated 9/30/2013];</li> <li>◦ Citibank: <b>\$77,632.13</b> [statement dated 10/31/2013].</li> </ul> </li> <li>• She hereby waives the filing and settlement of a final account by her Guardian and releases the Guardian from all liability for the handling of her estate.</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 3/19/2014 at the request of counsel.</b>	
<b>Cont. from 031914</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			N/A
<input type="checkbox"/>	<b>Aff.Mail</b>			
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

<b>Reviewed by: LEG</b>
<b>Reviewed on:</b> 5/15/14
<b>Updates:</b>
<b>Recommendation:</b> <b>File 4 - Rodriguez</b>

## Report of Sale and Petition for

<b>DOD: 01/01/85</b>		<b>DORIS A. JOHNSON</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Order appointing Administrator set bond in the amount of \$75,000.00, but it does not appear that bond has been filed. Need bond.  2. Need Order.
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	w/	
✓	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>	x	
✓	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF <b>Reviewed on:</b> 05/13/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 5 - Bradley</b>

## (1) First Account and Status Report of Administrator, and (2) to set Aside Exempt Personal Property

<b>DOD: 9/18/2007</b>		<b>LAURA DOZIER</b> , surviving spouse/Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 2/4/2008 – 9/30/2013	<p><b>There have been 5 continuances in this matter. As of 5/12/14 the following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. Petition does not allege any fact as to why the personal property should be set aside for the surviving spouse.</li> <li>2. Disbursement schedule does not include the nature and purpose of each disbursement as required by Probate Code §1062(b).</li> <li>3. Petition states the Petitioner used the proceeds from the sale of a bulldozer to reimburse herself various administrative expenses. Need itemization.</li> <li>4. Need order</li> </ol> <p><b>Note:</b> If the petition is granted the court will set a status hearing for the filing of the petition for final distribution on <b>Friday, September 26, 2014 at 9:00 a.m. in Dept. 303.</b></p> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
<b>Cont. from 121113, 020314, 022414, 032414, 042114</b>		Accounting - <b>\$650,755.95</b> Beginning POH - <b>\$650,750.00</b> Ending POH - <b>\$333,000.00</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	2/4/08	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

**Petitioner states** certain assets that were decedent's separate property constitute exempt personal property eligible to be set aside to the surviving spouse pursuant to Probate Code §6510. Petitioner requests the court set aside the following personal property with an aggregate value of \$10,250.00

- 1997 Chevrolet pickup truck
- 2005 Honda ATV R1V32
- 2005 KTM Motorcycle
- 1963 Willy Jeep

Petitioner states as surviving spouse, she is entitled to have the assets set over to her. Petitioner has already taken possession of the assets and requests that her actions be ratified and confirmed.

Petitioner states the estate is not yet in a position to close. An action was filed on a rejected creditor's claim. The estate defaulted. The estate now is reviewing the situation to see whether it is possible to file a motion to set aside the default. Petitioner believes it will take an additional 4-6 months to close the estate.

**Please see additional page**

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 5/13/14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 6 – Dozier</b>

**Petitioner prays for an order:**

1. That the First Account and Report of Petitioner be settled, allowed and approved as filed;
2. That all actions of Petitioner as Administrator, as set forth in the petition, account and report be ratified, confirmed and approved;
3. That the exempt personal property described in the petition be set aside to the surviving spouse;
4. That the administration of the estate continue.

**Amended Waiver of Accounting and Petition for Final Distribution and for Allowance of Compensation**

<b>DOD: 11-17-07</b>		<b>BRENT WISE</b> , Son, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Continued from 2-19-14, 3-27-14, 4-14-14 As of 5-12-14, nothing further has been filed. The following issues remain:  1. Petitioner Brent Wise has not been appointed as Successor Administrator and therefore has no standing to bring this petition. Brent Wise will first need to be appointed as Successor Personal Representative.  2. The original petition for probate alleged \$13,033.80 in personal property assets. However, I&A filed 3-14-08 indicated "various household furnishings and personal effects" valued at \$500.00 by the Administrator Jack Wise, rather than by the Probate Referee as required by Probate Code §8900. The Court may require clarification regarding the discrepancy in the amounts, and may require amended appraisal in accordance with applicable law.  3. Petitioner requests distribution to himself as the heir of both this decedent and the former Administrator/spouse of the decedent, who is entitled to a ½ share of this estate. However, Pursuant to Probate Code §11802, distribution to a post-deceased heir must be made to the personal representative of his estate. Court records show that Petitioner was appointed as Executor of his father's estate on 10-2-13 in 13CEPR00643. <u>Therefore, need amended distribution.</u>  <u>Note:</u> Petitioner filed a Petition for Final Distribution of the estate of Jack Wise that was continued to 4-29-14; however, without distribution from <u>this</u> estate, it does not appear that <u>that</u> estate is in a position to close.  4. Petitioner includes a fee computation of \$20.00 based on the Administrator's value assigned to personal property assets in the I&A. Petitioner does not appear to request payment, but does appear to reduce the proposed distribution by \$20. <u>Need clarification:</u> If the assets on hand consist solely of personal property items rather than cash, as stated, how is the distribution reduced by \$20? Who is \$20 to be paid to? Pursuant to Probate Code §12205, compensation may be reduced due to delay in closing the estate.  5. Need order.
		<b>JACK WISE</b> , Spouse, was appointed as Administrator with Full IAEA without bond on 3-25-08.	
<b>Cont. from 021914, 032714, 041414</b>		Petitioner states the former Administrator died 4-18-13.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	X	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	X	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
N/A	<b>FTB Notice</b>		

## (1) Waiver of Accounting and Petition for Final Distribution and for (2) Allowance of Compensation

<b>DOD: 04/18/2013</b>		<b>BRENT WISE</b> , executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	<b><u>Off Calendar Amended Waiver of Accounting filed 05/13/2014. Hearing set for 06/16/2014.</u></b>
<b>Cont. from 032514, 042914</b>		1 & A - \$403,171.55	
		POH - ?	<b>Note:</b> Petitioner, Brent Wise, filed an Amended Waiver of Accounting and Petition for Final Distribution and for Allowance of Compensation, in case #08CEPR00176, the Estate of Janice Wise, however he has not been appointed as Successor Administrator in that case. The Estate of Jack Wise is not in a position to close until the Estate of Janice Wise has distributed. The Estate of Janice Wise is to be heard on 05/19/2014 at 9:00am.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Executor – Waives	
<input checked="" type="checkbox"/>	<b>Verified</b>	Attorney - \$11,063.43	<b>The following issues remain:</b>
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		1. Need Property on Hand Schedule pursuant to California Rules of Court 7.550 b(4).
<input type="checkbox"/>	<b>Not.Cred.</b>		2. Prayer of the Petition does not include a request for Attorney's Statutory Fees.
<input type="checkbox"/>	<b>Notice of Hrg</b>	n/a	3. Petition does not include a Statement regarding Probate Code §216 and Probate Code §9202 re notice to the Director of the Victims Compensation.
<input type="checkbox"/>	<b>Aff.Mail</b>	n/a	4. Petition does not include a Statement regarding whether or not notice to the Franchise Tax Board was performed pursuant to Probate Code §9202(c)(1).
<input type="checkbox"/>	<b>Aff.Pub.</b>		5. Local Rule 7.12.1 states a petition for distribution must list and describe in detail all property to be distributed. The description shall include cash on hand. Promissory notes must be described as secured or unsecured. If secured, the security interest must be described. The legal description and APN of all real property must be included. Description in the petition of any asset by reference to the inventory is not acceptable.
<input type="checkbox"/>	<b>Sp.Ntc.</b>		6. Need Order.
<input type="checkbox"/>	<b>Pers.Serv.</b>		<b>Reviewed by:</b> LV
<input type="checkbox"/>	<b>Conf. Screen</b>		<b>Reviewed on:</b> 05/14/2014
<input type="checkbox"/>	<b>Letters</b>	10/08/2013	<b>Updates:</b>
<input type="checkbox"/>	<b>Duties/Supp</b>		<b>Recommendation:</b>
<input type="checkbox"/>	<b>Objections</b>		<b>File 8 – Wise</b>
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	x	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>	x	



**Amended Waiver of Accounting and Petition for Final Distribution and for (2)  
Allowance of Compensation (PC 16100)**

<b>DOD: 3/31/12</b>		<b>GREGORY TAYLOR</b> , Executor, is petitioner.  Accounting is waived.  I & A - \$504,522.95 POH - \$504,522.95  Executor - waives Attorney - \$13,090.46  Proposed distribution is to:  Gregory Taylor - \$471,432.49 Christopher Taylor- \$ 10,000.00 Jeffrey Taylor - \$ 5,000.00 Nicole Taylor - \$ 5,000.00	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Petition includes but is not limited to the following deficiencies:</b>  1. Need property tax certificate.  2. Inventory and Appraisal does not indicate whether or not the property is separate, community or quasi-community. Probate Code §8850(c). This is an issue because the will confirms ½ of the community property to the surviving spouse, Joseph Mason.  3. Property on hand schedule includes real property. Proposed distribution distributes only cash. Distribution must include the actual property on hand, which includes the real property.  4. Petition requests distribution of the estate to petitioner, Gregory Taylor, Christopher Taylor, Jeffery Taylor and Nicole Taylor. Will devised the estate to the Mason Family Trust. Proposed distribution request distribution to the Trust with instructions to distribute pursuant to the Will.  5. Proposed order includes instructions on how to distribute the property after it is distributed to the trust. Need new order eliminating said instructions.	
<b>Cont. from 030314, 041414</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input checked="" type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			<input checked="" type="checkbox"/>
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			119/12
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input checked="" type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input checked="" type="checkbox"/>	<b>FTB Notice</b>			

<b>Reviewed by: KT</b>
<b>Reviewed on: 5/13/14</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 9 – Mason</b>

Atty Whelan, Brian D., of Whelan Law Group (for Ian Kinsey, as Conservator of the Estate)  
 Atty Flanigan, Philip M., sole practitioner (for Ian Kinsey, as Conservator of the Person)

## Status Hearing Re: Filing of Increased Bond; and Filing of the First Account

		<p>IAN KINSEY, brother, was appointed Conservator of the <u>Estate</u> on 1/29/2013 with bond set at <b>\$15,000.00</b>.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 3-21-14, 4-21-14</p> <p><u>Minute Order 4-21-14</u>: No appearances. Personal appearance by Mr. Whelan and Mr. Flanigan required if blocked account receipt not filed.</p> <p><u>Note</u>: An amended petition in the Special Needs Trust matter 14CEPR00028 is set for 5-22-14</p> <p>1. Proof of Bond of <b>\$15,000.00</b> filed on 2/6/2013 is <u>insufficient</u> for this Conservatorship Estate, as required under Probate Code § 2320 and CA Rule of Court 7.207. Probate Code § <u>2320.1</u> provides that when the Conservator has knowledge of facts from which the Conservator knows or should know that the bond posted is less than the amount required under section 2320, the Conservator <u>and</u> the Attorney shall make an ex parte application for an order increasing the bond to the amount required under section 2320.</p> <p>Accordingly, Probate Code § 2320 requires that the Conservator file proof of additional bond in the sum of <b>\$260,000.00</b>, in order to bring total bond to <b>\$275,000.00</b>, the bond amount sufficient pursuant to Probate Code § 2320 and CA Rule of Court 7.207.</p> <p>It is noted that the <i>Minute Order</i> dated <u>9/17/2013</u> from the <i>Status Hearing Re: Increase of Bond</i> that Mr. Flanigan informed the Court that Mr. [Ian] Kinsey <b>will not be able to get a bond</b>.</p> <p>However, the duty remains upon Attorney Philip Flanigan and/or Attorney Brian Whelan as well as the Conservator to either comply with Probate Code § 2320.1 for increase in bond, or to request an alternative protection such as placing Conservatee's funds into a blocked account.</p> <p><b>~Please see additional page~</b></p>
<p>Cont. from 032114, 042114</p>			
<input type="checkbox"/>	Aff.Sub.Wit.	<p>IAN KINSEY, brother, was appointed Conservator of the <u>Person</u> on 9/17/2013 (<i>Letters of Conservatorship of the Person</i> issued on 9/25/2013.)</p>	
<input type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	<p><b>Proof of Bond in the sum of \$15,000.00 was filed 2/6/2013, and Letters of Conservatorship of the Estate issued on 2/28/2013.</b></p>	
<input type="checkbox"/>	Increased Bond		
<input type="checkbox"/>	Accounting	<p><b>Final Inventory and Appraisal filed 5/2/2013</b> shows an estate consisting of all cash in the sum of <b>\$250,000.00</b>.</p>	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	<p><b>Pursuant to Probate Code § 2620(a), first account was due on 2/28/2014.</b></p>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	<p><b>Minute Order dated 1/29/2013</b> from the hearing on the petition for appointment of Conservator of the Estate set the matter for Status Hearing on 3/21/2014 for filing of the first account of the conservatorship.</p>	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	<p><b>Order</b></p>	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	<p><b>Aff. Posting</b></p>	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	<p><b>Status Rpt</b></p>	
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	<p><b>UCCJEA</b></p>	
<input type="checkbox"/>			
<input type="checkbox"/>		<p><b>Citation</b></p>	
<input type="checkbox"/>			
<input type="checkbox"/>	FTB Notice	<p><b>Recommendation:</b></p>	
<p><b>File 10 – Kinsey</b></p>			

**NEEDS/PROBLEMS/COMMENTS, continued:**

2. Pursuant to Probate Code § 2328, Conservator should be required to deposit the entirety of Conservatorship estate funds, or a portion of the funds taking into account the **\$15,000.00** posted bond, into a blocked account for the Conservatorship Estate, with no withdrawals except upon Court order. Probate Code § 2328 provides, in pertinent part, that if the Conservatorship Estate has property which has been deposited with a financial institution, the Court may order that the property shall not be withdrawn except on authorization of the Court, and may either (1) exclude the property deposited in determining the amount of required bond or reduce the amount of the bond to be required with respect to the property deposited to such an amount as the Court determines is reasonable; or (2) If a bond has already been furnished or fixed, reduce the amount of bond to such an amount as the Court determines is reasonable.
3. Attorney **PAUL PIMENTEL** formerly represented the Conservator Ian Kinsey for the petition for appointment of Conservator of the Estate. Mr. Pimentel no longer represents Ian Kinsey, per *Substitution of Attorney* filed 5/24/2013 by Attorney **BRIAN WHELAN**, showing that Mr. Whelan represents Ian Kinsey as Conservator of the Estate as of 5/22/2013.

Attorney **PHILIP FLANIGAN** represented Ian Kinsey for the petition for appointment of Conservator of the Person, and appears to remain as attorney for Ian Kinsey as Conservator of the Person, as well as in his petition for order establishing special needs trust (Page 10).

**Need clarification of the current attorney representation of the Conservator as to the Person and the Estate**, based upon the statement of Attorney Flanigan at the hearing on 9/17/2013 regarding Conservator's inability to obtain bond, which appears to show Attorney Flanigan as the attorney responsible for the Conservator of the Estate obtaining bond.

4. Need first account of the conservatorship estate, or a verified Status Report and proof of service of notice of this Status Hearing with a copy of the Status Report to all interested parties pursuant to Local Rule 7.5(B).
5. Need proof of service of notice of the Status Hearing with a copy of the verified Status Report to Attorney Paul Pimentel, pursuant to the *Request for Special Notice* filed 1/27/2014.

**Note:** It is unclear from the *Minute Order* of 9/17/2013 whether Attorney Flanigan was holding himself out as representing the Conservator Ian Kinsey for both his role as Conservator of the Person and the Estate, since the *Minute Order* shows Attorney Brian Whelan was also present at that hearing and made no statements regarding bond. If Attorney Whelan no longer represents Ian Kinsey as Conservator of the Estate, then Mr. Whelan should file a *Substitution of Attorney* demonstrating that to the Court.

		<p><b>BEVERLY ANN HALL</b>, Sister and Conservator of the Person and Estate, is Petitioner.</p> <p><b>Account period: 4-4-13 through 1-31-14</b>          Accounting: \$117,221.72          Beginning POH: \$0.00          Ending POH: \$66,121.73</p> <p><b>Conservator: Not requested.</b>  <u>Note:</u> Pursuant to Petition and Order dated 11-12-13, Petitioner has received \$6,396.08 for services and reimbursement.</p> <p><b>Attorney Teixeira: \$1,700.00</b> for services from 10-1-13 through 2-22-14 – see itemized declaration.  <u>Note:</u> Pursuant to Petition and Order dated 11-12-13, Attorney Teixeira has received a total of \$14,792.76 in fees and costs for the period of 1-15-13 to 9-30-13.</p> <p><b>Attorney Helon: \$1,054.50</b> – Court appointed attorney for Conservatee. See itemized declaration.</p> <p><b>Current Bond: \$182,600.00</b></p> <p><b>Petitioner states the current bond is excessive</b> because the accounting shows the current balance of the conservatorship is \$66,121.73. That amount will be reduced by the fees and costs requested to approx. \$63,000.00. Therefore, the bond should be reduced to \$69,476.00 based on annual gross income of \$160.00 (interest) and 10% recovery cost. The Conservatee will not suffer harm as a result of reduction of the bond because the only asset of the conservatorship estate is the Wells Fargo account. The conservatee's daily needs and care are provided by resources outside of the conservatorship estate and those resources will continue to be available for her needs and care.</p> <p><b>Petitioner requests an order:</b></p> <ol style="list-style-type: none"> <li>1. Approving, allowing and settling the account and report as filed;</li> <li>2. Authorizing payment to Attorney Teixeira in the amount of \$1,700.00 for services to the conservatorship estate;</li> <li>3. Authorizing payment to Attorney Helon of \$1,054.50 for services on behalf of the Conservatee;</li> <li>4. Reducing the bond to \$69,476.00; and</li> <li>5. Any and all further relief that the Court deems just and proper.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 4-14-14</p> <p><u><b>SEE ADDITIONAL PAGES</b></u></p>
<b>Cont from 041414</b>			
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	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 5-12-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> File 11- Dhooghe</p>

**NEEDS/PROBLEMS/COMMENTS:**

**The following items were previously noted. Please see summary of Declaration filed 5-7-14 following the notes:**

1. Petitioner states the conservatee's daily needs and care are provided by resources outside of the conservatorship estate. Need clarification. The original petition for conservatorship indicated that Petitioner was already a "payee" for the Conservatee, but did not request to continue to hold assets outside of the conservatorship. Cal. Rules of Court 7.1059, Standards of Conduct for Conservator of the Estate, provides that the Conservator shall hold title reflecting the conservatorship in accounts. Probate Code §2890 et seq., provides the procedure for taking control of assets and accounts. Probate Code §2620(c) requires account statements at accounting. Therefore, need clarification: What are the "resources outside of the conservatorship estate" and why are they not included? There does not appear to be any order authorizing assets to be held outside of the conservatorship estate.

~~For example: The Disbursements Schedule indicates a payment of \$3,007.70 to "Motorola Pension Plan." The attorney fee declaration indicates that he spent time handling a pension overpayment. Therefore, it appears that the Conservatee receives pension income that is not accounted for in this accounting. Further, if an overpayment of such outside funds required repayment, why was it taken from the conservatorship estate instead of the account that the payments were paid to?~~

In reviewing the file for clues as to the conservatee's income, it appears that a declaration filed 11-8-13 states that the conservatee's income consists of SSI payments handled by "a representative payee" and not subject to conservatorship. ~~However, this does not explain the Motorola pension overpayment.~~ Further, since conservatorship has been established, income and expenses from all sources should be included in the account, including Social Security. See Conservatorship handbook.

Therefore, need amended account including all assets and income as well as documentation such as account statements as required by Probate Code §2620(c).

2. Petitioner requests that the bond be reduced. However, pursuant to #2 above, this does not appear appropriate, given that no information has been provided to the Court regarding the conservatee's income.
3. Probate Code §1063(h) states if the conservator has knowledge of real property located in a foreign jurisdiction, an additional schedule shall be included in the account that identifies the real property with a fair market value and state what actions have been taken to preserve and protect the property.

This Conservatee owns residential real property in Arizona. The Disbursements Schedule indicates that expenses of \$24,581.14 were paid in connection with that property, including property tax, repairs, and payoff of the mortgage (\$21,931.54).

Therefore, need explanation. What is the status of the house – Vacant? Occupied? Is there rent being received? If not, why not? Does the Conservator intend to sell the property in the future? How was it in the conservatee's best interest to pay off the mortgage in its entirety?

4. Disbursements Schedule indicates a payment of \$941.10 to an Arizona attorney, which does not appear to have been authorized by this Court. Need clarification with reference to Probate Code §2640 et seq., Cal. Rules of Court.

**SEE ADDITIONAL PAGES**

Page 3

**Declaration of Beverly Ann Hall filed 5-7-14 states** that references to "other resources" refer only to funds received as representative payee. Other than those funds and funds held in the conservatorship estate, there are no other resources. Although perhaps not explicitly stated in the petition for conservatorship, the estimates contained in the petition, the reasons stated therein for requesting conservatorship of the estate, and the declaration of Mr. Teixeira concerning the amount of the original bond had only to do with assets that the Conservatee might be entitled to as a result of her husband's death, which was the payments he had been receiving from the Motorola pension plan. The Motorola Pension Plan did not know that he had died and thus payments continued after his death into an account which existed for the purpose of making mortgage payments on the property to which the Conservatee became entitled. It took a while to clear this matter up with the credit union and the pension plan. However, no pension payments were made to the Conservatee during this account period.

The Conservatee received two residential properties in Arizona upon her husband's death. One was sold and proceeds are held by the conservator of the estate. It was an oversight that the other was not identified on a schedule. Please see attached exhibit A. The family home has not been sold. It is properly insured. Family members in Arizona check on it regularly. It is available and used for family gatherings and use of the swimming pool in order to make it appear occupied.

The accounting presented disbursements of only \$1,733.00 for property repairs. Some of that was for work that had been done on the property that was sold and the contractor had agreed to wait until the property was sold so that funds would be available for that work and to complete some work on the remaining property. Ms. Hall states she has also used her own personal funds, time, and effort, without requesting compensation, for repair, improvement, and maintenance of the remaining AZ property.

It is a matter of simple mathematics that it was in the conservatee's best interest to pay off the mortgage of the remaining home. The interest earned on funds held in the conservatorship estate is far less than interest being paid out on the mortgage. The payoff is saving money.

For sale of the AZ property, it was required to employ an attorney for the transaction. It may have been possible to include that expense as a cost paid out of escrow, but it was nonetheless a necessary expenditure to conclude the sale. To seek approval for this aspect of the sale process would have included additional expense and delay.

Atty Pape, Jeffrey B.

Atty Lull, Christopher

Atty Shahbazian, Steven L.

First Amended Petition to Determine Validity of Purported Trust, for Order  
Determining Interest in Trust Property and for Revocation of Trust Amendment

Age:		NEEDS/PROBLEMS/COMMENTS:		
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Verified				
Inventory				
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Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
			<u>Notes not prepared for this matter</u>	
			Reviewed by: JF	
		Reviewed on: 05/12/14		
		Updates:		
		Recommendation:		
		File 12 - Winter		

Amended Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 70		<b><u>NO TEMPORARY REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<p><b>LISA MUNSEY</b>, daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia powers to administer dementia medications and for placement in a secured perimeter facility and for appointment of Conservator of the Estate with bond set at \$61,422.00.</p> <p><b>Estimated Value of the Estate:</b>          Personal property -\$29,282.00          Annual income -\$26,700.00  <b>Total -\$55,982.00</b></p> <p>Declaration of Jennifer Lancaster, D.O. supports request for medical consent and dementia powers.</p> <p>Voting rights affected.</p> <p><b>Petitioner states</b> that the proposed conservatee has severe dementia and is unable to speak her needs or say when she is hungry. She must be in a climate controlled area due to having an allergy to cold. She requires assistance with all activities of daily living and is unable to manage her financial resources or pay her bills on her own.</p> <p><b>Court Investigator Charlotte Bien filed a report on 03/05/14.</b></p>		<p><b>Court Investigator advised rights on 02/27/14.</b></p> <p><b>Voting rights affected, need minute order.</b></p> <ol style="list-style-type: none"> <li>The Amended Petition indicates that Wendy Temple is a relative of the proposed conservatee, but her relationship is not stated. If Ms. Temple is a relative within the second degree, need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Probate Conservator or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for Wendy Temple.</li> <li>Petitioner requests bond in the amount of \$61,422.00; however, based on the information provided in the petition, it appears bond should be set at \$61,580.20. (Bond calculation worksheet in the file for reference).</li> <li>The Citation filed 02/27/14 has the name Mary Sunderraj as the person cited and as the person to whom the Citation and copy of the Petition were served. The Citation should be addressed to and personally served to the proposed conservatee, Roslyn Munsey. Need corrected Citation and proof of personal service at least 15 days before the hearing of Citation with a copy of the Petition for Appointment of Probate Conservator for Roslyn Munsey.</li> </ol> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li><b>Monday, 10/20/14 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li><b>Monday, 07/20/15 at 9:00a.m. in Dept. 303</b> for the filing of the first account.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.</p>	
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		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 05/13/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 - Munsey</b></p>			



<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="3">Thomas J. Davis DOD: 6-5-00</td></tr> <tr><td colspan="3">Wealthea Davis DOD: 3-25-98</td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td> </td><td>Aff.Sub.Wit.</td><td> </td></tr> <tr><td>✓</td><td>Verified</td><td> </td></tr> <tr><td> </td><td>Inventory</td><td> </td></tr> <tr><td> </td><td>PTC</td><td> </td></tr> <tr><td> </td><td>Not.Cred.</td><td> </td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td> </td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>w</td></tr> <tr><td> </td><td>Aff.Pub.</td><td> </td></tr> <tr><td> </td><td>Sp.Ntc.</td><td> </td></tr> <tr><td> </td><td>Pers.Serv.</td><td> </td></tr> <tr><td> </td><td>Conf. Screen</td><td> </td></tr> <tr><td> </td><td>Letters</td><td> </td></tr> <tr><td> </td><td>Duties/Supp</td><td> </td></tr> <tr><td> </td><td>Objections</td><td> </td></tr> <tr><td> </td><td>Video Receipt</td><td> </td></tr> <tr><td> </td><td>CI Report</td><td> </td></tr> <tr><td> </td><td>9202</td><td> </td></tr> <tr><td>✓</td><td>Order</td><td> </td></tr> <tr><td> </td><td>Aff. Posting</td><td> </td></tr> <tr><td> </td><td>Status Rpt</td><td> </td></tr> <tr><td> </td><td>UCCJEA</td><td> </td></tr> <tr><td> </td><td>Citation</td><td> </td></tr> <tr><td> </td><td>FTB Notice</td><td> </td></tr> </table>	Thomas J. Davis DOD: 6-5-00			Wealthea Davis DOD: 3-25-98																			Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p><b>JOSHUA DAVIS</b>, Beneficiary, is Petitioner.</p> <p><b>Petitioner states he is a beneficiary of the Davis 1989 Family Trust dated 11-17-89 (the Trust) (Exhibit A).</b> On or about the same date, Thomas and Wealthea Davis also created the <b>Davis Family 1989 Life Insurance Trust (the Insurance Trust) (Exhibit B).</b> The Family Trust became irrevocable on the settlors' deaths. The Insurance Trust was already irrevocable during their lifetimes. Petitioner states <b>BRUCE NEILSEN</b> is the successor trustee of both trusts.</p> <p>Petitioner states that following the death of Thomas Davis on 6-5-00, Petitioner, by his agent and CPA Tom Bell, inquired of Trustee Neilsen on multiple occasions about the nature of the Trust assets and timetable for distribution. Petitioner was aware that the decedents had owned real property in California, various stocks and bonds, as well as other assets to which Petitioner and the other named in this petition were beneficiaries.</p> <p>Petitioner has requested that Trustee Neilsen provide him with an account of his administration of the Trust, but Trustee Neilsen has not done so. Additionally, Petitioner believes portions of the trust property that were to be held fbo Trust beneficiaries and Insurance Trust beneficiaries have been used to make loans to beneficiaries other than Petitioner, all to the detriment of Petitioner and other beneficiaries who may have lost their share of Trust and Insurance Trust assets as a result of the breach of his duties to the beneficiaries by Trustee Neilsen.</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 20px;"> <tr><td><b>Reviewed by:</b> skc</td></tr> <tr><td><b>Reviewed on:</b> 5-13-14</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td><b>File 14 - Davis</b></td></tr> </table>	<b>Reviewed by:</b> skc	<b>Reviewed on:</b> 5-13-14	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 14 - Davis</b>
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**Page 2**

**Petitioner states** moreover, Trustee Neilsen has failed to require the execution of notes requirement repayments by the borrowers of the Trust and Insurance Trust assets, and/or that Trustee Neilsen has failed to require the repayment of principal and interest on the Trust and Insurance Trust monies by the borrowers, all to the detriment of Petitioner and the other beneficiaries.

Petitioner states the Trust estate was to be divided into 12 separate trusts immediately on the death of both settlors. Petitioner made inquiries of Trustee Neilsen as to what is held in the trust created for Petitioner, but Trustee Neilsen has not provided the requested information or any meaningful response. Petitioner is informed and believes that Trustee Neilsen has, without consent or knowledge of several of the beneficiaries, used Trust and/or Insurance Trust assets to fund business transactions initiated by other beneficiaries, all to the detriment of Petitioner and other beneficiaries.

Petitioner has been unable to determine what has been done with what portion of the Insurance Trust assets and the Trust assets which were to have been segregated from the rest of the Trust property and Insurance Trust property for Petitioner's benefit.

**Petitioner requests the Court order as follows:**

1. Directing Trustee Bruce Neilsen to prepare and file a complete account and report of his administration of the Davis 1989 Family Trust and the Davis 1989 Life Insurance Trust for the period of June 6, 2000 through March 31, 2014, inclusive;
2. Directing Trustee Bruce Neilsen to set the Account and Report for hearing and give notice of same pursuant to §17203;
3. Awarding Petitioner reasonable attorneys' fees and costs incurred in this matter; and
4. Granting any and all other relief as the Court deems just and proper.

**SEE ADDITIONAL PAGES**

**NEEDS/PROBLEMS/COMMENTS:**

1. This petition requests accountings for two separate trusts. The two separate trusts have separate terms, separate assets, and separate purposes, and as such consideration by the Court requires separate petitions, separate notice, separate files, separate filing fees, and ultimately separate accountings.

The Court may designate this case number as the Family Trust file and direct Petitioner to initiate a separate proceeding regarding the Life Insurance Trust.

2. Also, per its terms, the Family Trust was to immediately divide into twelve (12) separate trusts, only one of which was for Petitioner's benefit. Need clarification and authority regarding the scope of the request for accounting(s).

Note: The language in the instruments differentiates between division into separate trusts and into separate shares, as contemplated by the Life Insurance Trust.

3. Notice appears to have been mailed to six people as couples, rather than as individuals entitled to direct notice. The Court may require amended direct service pursuant to Cal. Rules of Court 7.51.
4. Probate Code §17200(b)(7) provides that the Court can compel the trustee to provide information or account if the trustee has failed to provide the requested information within 60 days after the beneficiary's reasonable written request. Here, Petitioner states that he requested information after the settlors' deaths, which was approx. 14 years ago, but Petitioner does not state if any recent written request was made pursuant to §17200(b)(7), or what response was received, if any, pursuant to the written request. The Court may require clarification as to whether this petition may be prematurely filed pursuant to §17200(b)(7) and may require continuance for formal request and response. (Note: The requests should be separated for each trust pursuant to the above items.)

**15 Helen Marie Sircy Ratliff aka Helen Ratliff (CONS/PE) Case No. 14CEPR00319**  
**Atty Howk, Robert L. (for Melinda Murray & Melanie Welch – daughters/Petitioners)**  
**Atty Teixeira, J. Stanley (Court Appointed for Conservatee)**

**Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)**

<b>Age: 82</b>		<b><u>NO TEMPORARY IN PLACE</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b><u>TEMPORARY DENIED ON 04/15/14</u></b>			
		<b>MELINDA MURRAY and MELANIE WELCH</b> , daughters, are Petitioners and request appointment as Conservator of the Person with medical consent powers and dementia powers to administer medications and for placement in a secured perimeter facility, and for appointment as Conservator of the Estate with bond set at \$6,574.11.		1. Proof of Service regarding the Citation indicates that service was performed pursuant to CCP § 415.30, however, no Notice and Acknowledgment of Receipt has been filed indicating that the proposed conservatee received and acknowledged receipt of the Citation. Therefore, need proof of personal service of the Citation at least 15 days before the hearing or Notice and Acknowledgement of Receipt executed by the proposed conservatee.	
<b>Cont. from</b>				2. Petitioners request that bond be set at \$6,574.11; however, based on the information provided in the Petition, bond should be set at \$72,315.20 (see CRC § 7.207). (Bond calculation worksheet is in the file for reference).	
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<b>Estimated Value of the Estate:</b> Personal property - \$ 3,000.00 Annual income - \$62,741.09 <b>Total - \$65,741.09</b>	<b>Voting rights affected.</b>  <b>Petitioners state:</b> the proposed conservatee has been diagnosed with dementia and can no longer care for herself. Her doctor advised the Petitioners that their mother should no longer be living by herself.  <b>Court Investigator Julie Negrete filed a report on 05/05/14.</b>
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<b>Note: If the petition is granted status hearings will be set as follows:</b>  • <b>Monday, 10/20/14 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b> • <b>Monday, 07/20/15 at 9:00a.m. in Dept. 303</b> for the filing of the first account.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.
<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 05/13/14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 15 - Ratliff</b>

## Petition to Remove a Trustee and Name A Successor Trustee

		<b>MELINDA MURRAY and MELANIE WELCH,</b> daughters (hereinafter Melinda and Melanie), are Petitioners.  <b>Petitioners state:</b> 1. They are the daughters of <b>HELEN M. RATLIFF</b> , and together with their brother, Martin Lane Ratliff (hereinafter Lane), are the primary beneficiaries of the <b>FIRST AMENDMENT AND RESTATEMENT OF THE RATLIFF 1996 REVOCABLE LIVING TRUST</b> , signed 07/06/01. 2. The original Trustors were Glen D. Ratliff and Helen M. Ratliff. Glen died on 07/08/99. 3. The Restatement names the three children as alternate Trustees and are equal beneficiaries of 95% of the Trust. Therefore, they have standing to bring this petition. 4. Petitioners allege that Helen lacks capacity according to the capacity declaration of Dr. Alan M. Birnbaum. 5. Under the terms of the Trust, Melinda is the first named successor trustee, Melanie is the second named successor trustee, and Lane is the last named successor trustee. 6. Helen has always been involved in her church and she and Glen made provisions for the California Baptist Foundation to receive 5% of the Trust. 7. The original trust was the Ratliff 1996 Revocable Living Trust and was created in 1996. Petitioners have not seen the original Trust for some time. 8. The 1996 Trust was restated under the title of "First Amendment and Restatement of the Ratliff 1996 Revocable Living Trust" on 07/06/01. Petitioners believe that no other trusts have been made. 9. Petitioners have noted Helen's continued mental decline for some time and upon evaluation by Dr. Birnbaum is was determined that she has mild cognitive impairment. Continued on Page 2	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition does not include the names and addresses of each person entitled to notice as required by Probate Code 17201. (See also, CA Rules of Court 7.902.)  2. Need Order.	
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			w/
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
	<b>Order</b>			x
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			

Reviewed by: JF

Reviewed on: 05/14/14

Updates:

Recommendation:

File 16 - Ratliff

10. Petitioners state that Helen does not know who to trust, which has led to her inviting strangers into her home and then writing a check for \$3,800.00 for a \$200.00 vacuum cleaner.
11. Helen believes her children are trying to steal from her and states that her neighbors will take care of her. She will not shop for herself and fights with Petitioners about the need for groceries. Helen will state that she has milk in the refrigerator, but the milk is so old that it is no longer liquid.
12. Petitioners believe that Helen is no longer capable of managing her own funds. Petitioners state that the Power of Attorney they have is useless and they are currently pursuing a Conservatorship of the Person and Estate. Further, the Restatement does not contain a provision that allows for Trustee succession when the Grantor or a successor trustee lacks capacity.
13. Petitioners state that they are the proper choice for the position of Trustee and will give a complete accounting of the trust assets to all beneficiaries. Lane is named as the third alternate trustee and confirms the appointment of his sisters as successor co-trustees.

**Petitioners pray for an Order:**

1. Removing Helen M. Ratliff as Trustee of the **FIRST AMENDMENT AND RESTATEMENT OF THE RATLIFF 1996 REVOCABLE LIVING TRUST**; and
2. Appointing Melinda Murray and Melanie Welch as successor co-trustees of the **FIRST AMENDMENT AND RESTATEMENT OF THE RATLIFF 1996 REVOCABLE LIVING TRUST**.

<b>DOD: 12/27/13</b>  <b>Cont. from</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 85%;"><b>Aff.Sub.Wit.</b></td> <td style="width: 10%;"></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td><b>Verified</b></td> <td></td> </tr> <tr> <td></td> <td><b>Inventory</b></td> <td></td> </tr> <tr> <td></td> <td><b>PTC</b></td> <td></td> </tr> <tr> <td></td> <td><b>Not.Cred.</b></td> <td></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td><b>Notice of Hrg</b></td> <td></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td><b>Aff.Mail</b></td> <td style="text-align: center;">w/</td> </tr> <tr> <td></td> <td><b>Aff.Pub.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Sp.Ntc.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Pers.Serv.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Conf. Screen</b></td> <td></td> </tr> <tr> <td></td> <td><b>Letters</b></td> <td></td> </tr> <tr> <td></td> <td><b>Duties/Supp</b></td> <td></td> </tr> <tr> <td></td> <td><b>Objections</b></td> <td></td> </tr> <tr> <td></td> <td><b>Video Receipt</b></td> <td></td> </tr> <tr> <td></td> <td><b>CI Report</b></td> <td></td> </tr> <tr> <td></td> <td><b>9202</b></td> <td></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td><b>Order</b></td> <td></td> </tr> <tr> <td></td> <td><b>Aff. Posting</b></td> <td></td> </tr> <tr> <td></td> <td><b>Status Rpt</b></td> <td></td> </tr> <tr> <td></td> <td><b>UCCJEA</b></td> <td></td> </tr> <tr> <td></td> <td><b>Citation</b></td> <td></td> </tr> <tr> <td></td> <td><b>FTB Notice</b></td> <td></td> </tr> </table>		<b>Aff.Sub.Wit.</b>		<input checked="" type="checkbox"/>	<b>Verified</b>			<b>Inventory</b>			<b>PTC</b>			<b>Not.Cred.</b>		<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/		<b>Aff.Pub.</b>			<b>Sp.Ntc.</b>			<b>Pers.Serv.</b>			<b>Conf. Screen</b>			<b>Letters</b>			<b>Duties/Supp</b>			<b>Objections</b>			<b>Video Receipt</b>			<b>CI Report</b>			<b>9202</b>		<input checked="" type="checkbox"/>	<b>Order</b>			<b>Aff. Posting</b>			<b>Status Rpt</b>			<b>UCCJEA</b>			<b>Citation</b>			<b>FTB Notice</b>		<p><b>PAMELA L. WARD, JOHN R. LUCAS,</b> and <b>RANDALL N. LUCAS</b>, decedent's children, are Petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I &amp; A                      -                      \$150,000.00</p> <p>Will dated 09/04/79 devises decedent's estate to her three children in equal shares.</p> <p>Petitioners request Court determination that decedent's 100% interest in real property located at 2030 Cardella Street, Firebaugh pass to them in equal shares pursuant to decedent's will and that decedent's 100% interest in real property located at 25440 W. Williams, Tranquility pass to Randall Lucas and Pamela Ward only in equal shares pursuant to an Agreement Re Distribution of Estate signed by all Petitioners/heirs.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The decedent's will devises her estate to her three children (Petitioner's) equally. The Agreement Re Distribution of Estate attached to the Petition changes the distribution as devised in the will so that only two of the Petitioners receive shares of the real property in Tranquility. This essentially amounts to an assignment of interest by John Lucas. There appears to be no provision in the Probate Code for assignments in summary proceedings. Need authority for passing the property other than as stated in decedent's will (or by intestate succession) in a summary proceeding.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>Reviewed by:</b> JF</td> </tr> <tr> <td><b>Reviewed on:</b> 05/14/14</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 17 - Lucas</b></td> </tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 05/14/14	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 17 - Lucas</b>
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<b>DOD: 12/18/2012</b>  <b>Cont. from 111813</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 20%;"></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<p><b>PAULA ROBINSON</b> was appointed as Special Administrator with Limited IAEA authority and without bond on 6/17/2013.</p> <p><b>Letters of Special Administration expire on 5/19/14.</b></p> <p>Petitioner was appointed for the limited purpose of pursuing actions to recover assets of the decedent held by others.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 11/18/13.</b> Minute order states Mr. Motsenbocker requests an extension of the letters of special administration. The Court grants the request and orders the letters expire on 5/19/14.</p> <p>1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 20px;"> <tr><td><b>Reviewed by: KT</b></td></tr> <tr><td><b>Reviewed on: 5/13/14</b></td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td><b>File 18 – Crawford</b></td></tr> </table>	<b>Reviewed by: KT</b>	<b>Reviewed on: 5/13/14</b>	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 18 – Crawford</b>
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	KA'REN VARTAN KETENDJIAN is conservator.	NEEDS/PROBLEMS/COMMENTS:
	Order settling the first account for the account period ending on 12/31/2011 was signed on 5/17/12.	Continued from 3/3/14. Minute order indicates there were no appearances. Matter continued to 5/19/14. A copy of the minute order was mailed to Ka'ren Vartan Ketendjian on 3/6/14.
Cont. from 030314		
Aff.Sub.Wit.		1. <b>Need second account <u>or</u> current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Verified	Property on hand at the end of the first account totaled \$341,592.10.	
Inventory		
PTC		
Not.Cred.	Current bond is \$140,910.00	
Notice of Hrg	Order settling the first account set this status hearing for the second account.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		Reviewed by: KT Reviewed on: 5/13/14 Updates: Recommendation: File 19 – Ketendjian

20 **Essence Sanil Carter (GUARD/P)**  
 Atty **Carter, Darrell Sr. (pro per – paternal grandfather – guardian)**  
 Atty **Johnson, Ebony (pro per – mother/Petitioner)**

Case No. 13CEPR00473

**Petition for Termination of Guardianship**

<b>Age: 10</b>		<b>EBONY JOHNSON</b> , mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: a. Darrell Carter, Jr. (father)
		<b>DARRELL CARTER, SR.</b> , paternal grandfather, was appointed guardian on 09/16/13. – <i>Personally served on 04/18/14</i>	
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Father: <b>DARRELL CARTER, JR.</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>	Paternal grandmother: ROSEMARY JOHNSON – <i>deceased</i>	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	Maternal grandfather: JB JOHNSON – <i>Consent &amp; Waiver of Notice filed 03/17/14</i>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Maternal grandmother: GWENDOLYN BABER – <i>Consent &amp; Waiver of Notice filed 03/17/14</i>	
<input type="checkbox"/>	<b>Aff.Mail</b>	x	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>	w/	
<input type="checkbox"/>	<b>Conf. Screen</b>	<b>Petitioner states</b> that she can provide a home and life for Essence now. She has been clean and sober for 13 months and is currently in maintenance attending NA meetings 4-5 times a week. She graduated from a women's support group and has completed a parenting class. She is currently residing in transitional housing through a program she completed with her 2 other daughters. Petitioner feels that it is in Essence's best interest that she be back with her mother.	
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>	<b>Court Investigator JoAnn Morris filed a report on 05/12/14.</b>	
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF <b>Reviewed on:</b> 05/14/14 <b>Updates:</b> <b>Recommendation:</b> <b>File</b> 20 - Carter

Age: 5 years		<p><b><u>TEMPORARY EXPIRES 3/28/14,</u></b> <b><u>extended to 5/19/14.</u></b></p> <p><b>ADELITA GOMEZ</b>, paternal grandmother, is petitioner.</p> <p>Father: <b>JAIME ARELLANO</b> – personally served on 2/11/14</p> <p>Mother: <b>CARA STEARNES</b></p> <p>Paternal grandfather: Jaime Arrellano – Declaration of Due Diligence filed on 3/7/14.</p> <p>Maternal grandparents: Unknown – Declaration of Due Diligence filed on 3/17/14.</p> <p><b>Petition does</b> not indicate why a guardianship is necessary.</p> <p><b>Court Investigator Jennifer Daniel's Report filed on 3/16/14</b> recommends that the guardianship be <b>granted</b>.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 4/2/14. Minute order states father's fiancé Desiree Zamora objects to the petition. Ms. Zamora advises the court that the father is in custody and he desires the child to be with her. Ms. Zamora is directed to provide her contact information to the Clerk's office forthwith.</p> <p><b>As of 5/13/14 the following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. Petition does not state why a guardianship is necessary.</li> <li>2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:             <ol style="list-style-type: none"> <li>a. Cara Stearns (mother)</li> </ol> </li> <li>3. If court does not dispense with Notice, need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:             <ol style="list-style-type: none"> <li>a. Jaime Arrellano (paternal grandfather)</li> <li>b. Maternal grandparents.</li> </ol> </li> </ol>	
Cont. from 040214				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
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<input checked="" type="checkbox"/>	Order			
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<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: KT		
		Reviewed on: 5/12/14		
		Updates:		
		Recommendation:		
		File 21 – Stearnes		

DOD: 01/08/2014		<b>MART B OLLER, IV</b> , son/named executor without bond, is petitioner.  Full IAEA – o.k.  Will dated: 05/11/1978 1 <sup>st</sup> Codicil: 10/27/1995 2 <sup>nd</sup> Codicil: 02/06/2006  Residence: Fresno Publication: The Business Journal  <b>Estimated Value of the Estate:</b> Personal property       -       \$15,000.00 Real property            -       \$245,000.00 <b>Total</b> - <b>\$260,000.00</b>  Probate Referee: Rick Smith	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> If the petition is granted status hearings will be set as follows:  <ul style="list-style-type: none"> <li>• <b>Friday, 10/17/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 07/17/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
Cont. from 040914				
<input type="checkbox"/>	Aff.Sub.Wit.			s/p
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	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
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	Pers.Serv.			
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✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LV
Reviewed on: 05/14/2014
Updates:
Recommendation: Submitted
File 22 – Oller

<b>Age: 13 years</b>  <b>Cont. from</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%;"><b>Aff.Sub.Wit.</b></td> <td style="width: 80%;"></td> </tr> <tr> <td style="text-align: center;">✓</td> <td><b>Verified</b></td> <td></td> </tr> <tr> <td></td> <td><b>Inventory</b></td> <td></td> </tr> <tr> <td></td> <td><b>PTC</b></td> <td></td> </tr> <tr> <td></td> <td><b>Not.Cred.</b></td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td><b>Notice of Hrg</b></td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td><b>Aff.Mail</b></td> <td>W/</td> </tr> <tr> <td></td> <td><b>Aff.Pub.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Sp.Ntc.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Pers.Serv.</b></td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td><b>Conf. Screen</b></td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td><b>Letters</b></td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td><b>Duties/Supp</b></td> <td></td> </tr> <tr> <td></td> <td><b>Objections</b></td> <td></td> </tr> <tr> <td></td> <td><b>Video Receipt</b></td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td><b>CI Report</b></td> <td></td> </tr> <tr> <td></td> <td><b>9202</b></td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td><b>Order</b></td> <td></td> </tr> <tr> <td></td> <td><b>Aff. Posting</b></td> <td></td> </tr> <tr> <td></td> <td><b>Status Rpt</b></td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td><b>UCCJEA</b></td> <td></td> </tr> <tr> <td></td> <td><b>Citation</b></td> <td></td> </tr> <tr> <td></td> <td><b>FTB Notice</b></td> <td></td> </tr> </table>		<b>Aff.Sub.Wit.</b>		✓	<b>Verified</b>			<b>Inventory</b>			<b>PTC</b>			<b>Not.Cred.</b>		✓	<b>Notice of Hrg</b>		✓	<b>Aff.Mail</b>	W/		<b>Aff.Pub.</b>			<b>Sp.Ntc.</b>			<b>Pers.Serv.</b>		✓	<b>Conf. Screen</b>		✓	<b>Letters</b>		✓	<b>Duties/Supp</b>			<b>Objections</b>			<b>Video Receipt</b>		✓	<b>CI Report</b>			<b>9202</b>		✓	<b>Order</b>			<b>Aff. Posting</b>			<b>Status Rpt</b>		✓	<b>UCCJEA</b>			<b>Citation</b>			<b>FTB Notice</b>		<p style="text-align: center;"><b><u>TEMPORARY EXPIRES 5/18/14</u></b></p> <p><b>JOHNNY BENSON and PAULETTE BENSON</b>, paternal grandparents, are petitioners.</p> <p>Father: <b>SHAWN BENSON</b> – consents and waives notice.</p> <p>Mother: <b>JEANINE BENSON</b> – previously consented and waived notice but has since withdrawn her consent.</p> <p>Maternal grandfather: Mario Avalli – mailed notice on 4/8/14.          Maternal grandmother: Sharon Scaglioti – mailed notice on 4/8/14.</p> <p><b>Petitioners state</b> the minor requires a guardian as CPS has become involved and advised petitioners to initiate guardianship proceedings. The minor began residing with Petitioners in 2009. Both parents have long histories of substance abuse. The father has been incarcerated numerous times stemming from domestic violence between the parents.</p> <p><b>Objections of Jeanine E. Benson (mother) and Sharon Scaglioti (maternal grandmother) filed on 5/12/14.</b> Objectors allege the guardianship is not in the best interest of the minor. Petitioner's son (father of the minor) is an addict and a frequent user of Methamphetamine and marijuana.</p> <p style="text-align: center;"><b>Please see additional page</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Objections includes a statement that the Petitioners have taken steps to receive the minor's monthly social security benefits even though they have not requested appointment as guardians of the estate. Guardianship of the estate is not needed to receive social security benefits as the purpose of social security is to be used for the day to day care of the minor.</p> <p><b>Note:</b> If Sharon Scaglioti wishes to be appointed as guardian the she must file the appropriate paperwork to get the request before the court.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>Reviewed by: KT</b></td> </tr> <tr> <td><b>Reviewed on: 5/14/14</b></td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 23 -Benson</b></td> </tr> </table>	<b>Reviewed by: KT</b>	<b>Reviewed on: 5/14/14</b>	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 23 -Benson</b>
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**Objections of Jeanine E. Benson (mother) and Sharon Scaglioti (maternal grandmother) filed on 5/12/14 (cont.):** Shawn Benson has physical and emotionally abused Hunter, Hunter's mother and other women. Objectors believe that the effects of Shawn's abuse has been severe for Hunter. Objectors believe that psychological intervention is strongly needed, but the Petitioners scoff at such things.

The property petitioners live on is a former trucking business. They continue to lease this property from its current owner and rent spaces to truckers who need to store their rigs. They themselves live in a small recreational vehicle on the property. Objectors believe that the property is zoned for manufacturing use. Hunter has no room at the Petitioner's home. He sleeps on a futon in the same room as Petitioners. Objectors believe that Shawn is frequently at the property and may have moved back in.

Jeanine Benson is currently living with her mother, objector Sharon Scaglioti. They can provide Hunter with a normal home life and arrange for psychological counseling and support for him. Jeanine is clean and sober and attending AA meetings.

**Objectors pray as follows:**

1. That the Petition be denied;
2. That the order granting temporary guardianship be revoked;
3. That custody of the minor be remanded to his mother.

**In the alternative Objectors pray:**

1. That only a temporary guardianship be granted pending evaluation which evaluation should include psychological evaluation of Hunter's needs for professional counseling;
2. That the court consider appointing Sharon Scaglioti as guardian;
3. That an order for temporary guardianship be conditioned on the exclusion of Shawn Benson from the property occupied by Hunter except for such times and under such conditions as the court may order visitation;
4. That the court grant visitation to Jeanine Benson for (1) alternate weekends, (2) summer vacation and (3) alternate holidays.

**Court Investigator Jennifer Young's Report filed on 5/13/14.**

<b>Age: 16</b>		<b><u>TEMPORARY EXPIRES 05/19/14</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>EVA GUERRERO and ANTHONY GUERRERO,</b>		1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: • Jody Martinez <b>Note:</b> A Notice of Hearing was filed on 03/24/2014 showing service on Jody Marti by mail on 03/19/2014. It is unclear if this is the same person.	
		maternal grandparents, are Petitioners.			
		Father: <b>MICHAEL ABRANTES</b> , personally served on 04/29/2014			
<b>Cont. from</b>		Mother: <b>REBECCA HARRON</b> , Court dispensed with Notice pursuant to minute order dated 03/25/2014			
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<input checked="" type="checkbox"/>	<b>Verified</b>	<input type="checkbox"/>			
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				<b>Reviewed by:</b> LV <b>Reviewed on:</b> 05/14/2014 <b>Updates:</b> <b>Recommendation:</b> <b>File 24 – Guerrero-Arrantes</b>	